

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments. Claims 24, 25, 27-29, and 31-38 were pending. By this Amendment, claims 24 and 25 have been amended. No new matter has been added. Accordingly, claims 24, 25, 27-29, and 31-38 are pending.

Rejections of claims 24-25, 27-29, and 31-38 under § 112, first paragraph, written description

In response, applicants have amended independent claim 25 to delete the phrase “partially neutralized with citric acid.” Applicants note that in the August 19, 2004 amendment, for independent claim 24, the phrase “partially neutralized with citric acid,” had already been deleted. In addition, applicants have deleted the phrase, “in the range between 0.01 to 10,” from independent claims 24-25. Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection

Rejection of claim 25 under § 112, second paragraph, indefiniteness

In response, applicants have deleted the phrase “partially neutralized with citric acid,” from claim 25. Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.

Rejection of claims 24-25, 27-29, and 31-38 under § 103(a), obviousness

In response, applicants refer, in part, back to the August 19, 2004 arguments. Specifically, applicants assert that the Examiner still has not made a prima facie case of obviousness because she has still not provided sufficient motivation or suggestion that would reasonably be expected to guide persons of ordinary skill in the art to modify Sanchez's composition by using Lucas's disclosure. Lucas discloses perhaps millions of combinations of oily components, therefore, it does not seem possible that without hindsight, one of ordinary skill in the art would know which specific components to combine with Sanchez. Moreover, the Examiner still has not provided a rationale in explaining how one of ordinary skill in the art would know which specific components to combine with Sanchez.

On pages 7-8 of the November 17, 2004 Office Action, the Examiner simply states that one of ordinary skill in the art would have been motivated to combine these two references because compositions comprising cyclodextrin may further comprises oils which is known to one skilled in the art. The Examiner, however, still has not provided a rationale explaining how one of ordinary skill in the art would know which specific components to combine with Sanchez given the possible millions of combinations of oily components.

In concluding, applicants note that there is simply no motivation in combining these references to teach a composition comprising a cyclodextrin component, having one or more cyclodextrins and an oil phase having the specific components mentioned in the claimed invention. Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.

Rejection of claims 24-25, 27-29, and 31-38 under the judicially created doctrine of obviousness-type double patenting.

In response, applicants request that the Examiner hold the claims in abeyance. If the claims are later allowed, applicants will consider filing a terminal disclaimer.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefore. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

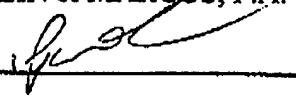
CONCLUSION

Based on the foregoing remarks it is believed that the claims are in condition for allowance.

Respectfully submitted,

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